

AMENDED IN ASSEMBLY JUNE 22, 2010

AMENDED IN SENATE APRIL 20, 2010

AMENDED IN SENATE APRIL 7, 2010

SENATE BILL

No. 1432

Introduced by Senator Hancock

February 19, 2010

An act to amend Section 17070.80 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1432, as amended, Hancock. School facilities.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (*Greene Act*), requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. The Greene Act requires all school facilities purchased or newly constructed pursuant to the act for use, in whole or in part, by pupils who are individuals with exceptional needs, as defined, to be designed and located on the schoolsite so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both.

This bill would require, as a condition of receiving approval by the State Department of Education for the project, the school district *or county office of education to demonstrate that each has conferred with the other, as specified*, and certify that the project includes the necessary classrooms, toilet rooms, and medical therapy facilities for pupils who are individuals with exceptional needs with due consideration for

identifying and planning for the least restrictive environment that supports the education of these pupils or to certify and demonstrate that the project site has dedicated acreage of sufficient size and in an appropriate location to support the construction of classrooms, toilet rooms, and medical therapy ~~units~~ *facilities* in the future by the district or the county office of education, unless the *applicant* school district or county office of education certifies that the district and the county office of education or special education local planning agency have conferred and determined that there are no special education facilities needs.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17070.80 of the Education Code is
2 amended to read:
3 17070.80. (a) All school facilities purchased or newly
4 constructed pursuant to this chapter for use, in whole or in part,
5 by pupils who are individuals with exceptional needs, as defined
6 in Section 56026, shall be designed and located on the schoolsite
7 so as to maximize interaction between those individuals with
8 exceptional needs and other pupils as appropriate to the needs of
9 both.
10 (b) The governing board of each applicant school district and
11 the county office of education shall ensure that school facilities
12 for pupils who are individuals with exceptional needs are ~~integrated~~
13 ~~with other school facilities~~ *designed to support the policy goal of*
14 *the least restrictive environment as it pertains to elementary and*
15 *secondary school facilities that will serve the pupils of the*
16 *community.*
17 (c) (1) As a condition of approval of a project by the State
18 Department of Education, the applicant school district or county
19 office of education shall do either of the following:
20 (A) ~~Certify~~ *Demonstrate that each has conferred with the other*
21 *regarding the need for special education facilities within the*
22 *project application and certify that the project includes the*
23 *necessary classrooms, toilet rooms, and medical therapy facilities*
24 *for pupils who are individuals with exceptional needs with due*

1 consideration for identifying and planning for the least restrictive
2 environment that supports the education of these pupils.

3 ~~(B) Certify and demonstrate~~ *Demonstrate that each has*
4 *conferred with the other regarding the need for special education*
5 *facilities within the project application and certify that the project*
6 *site has dedicated acreage of sufficient size and in an appropriate*
7 *location to support the construction of classrooms, toilet rooms,*
8 *and medical therapy-units facilities in the future by the district or*
9 *the county office of education.*

10 (2) If the project does not include facilities and supporting
11 infrastructure for individuals with exceptional needs or the
12 dedicated acreage, ~~the school district~~ *applicant school district or*
13 *county office of education* shall certify that the district and the
14 county office of education ~~or special education local planning~~
15 ~~agency~~ have conferred and determined that, consistent with the
16 facility plans of the *school district or* county office of education
17 ~~or special education local planning agency~~, there are no special
18 education facilities needs for the project.

19 (d) The board, after consultation with the State Department of
20 Education and representatives from county offices of education;
21 ~~special education services regions~~, and school districts, shall
22 develop and adopt any regulations necessary to implement this
23 section.

24 (e) Notwithstanding any other provision of law, the requirement
25 set forth in subdivision (a) may be waived, by the Superintendent,
26 only upon compliance with the following procedure:

27 (1) The applicant school district or county superintendent of
28 schools shall file a written request for waiver that documents the
29 reasons for its inability to comply with the requirement.

30 (2) The State Department of Education shall verify the reasons
31 set forth pursuant to paragraph (1), including the documentation
32 submitted, which verification shall be completed no later than 30
33 days after the filing of the request for waiver with the
34 Superintendent.

35 (3) The Advisory Commission on Special Education, as
36 established under Section 33590, at its first scheduled meeting
37 following the verification conducted pursuant to paragraph (2),
38 shall review the request for waiver, accompanying documentation,
39 and the verification findings of the State Department of Education.
40 No later than 15 days following the date of that meeting, the

1 commission shall submit its written comments and
2 recommendations regarding the request for waiver to the
3 Superintendent.

4 (4) The Superintendent shall review the comments and
5 recommendations submitted by the Advisory Commission on
6 Special Education prior to approving or rejecting the request for
7 waiver.

8 (5) Any request for waiver, submitted in accordance with this
9 section, that is not rejected within 60 days of its receipt by the
10 State Department of Education, shall be deemed approved.